

Clean Air Act Citizen Awards Program, Q&A for Public Release

Questions and Answers for Public Release [February 18, 1997]

1. I have information about a violation. Will EPA pay me for it?

EPA does not pay for information under the Citizen Awards program. By law, EPA can only pay awards after a case is concluded and a monetary penalty is paid, or there is a criminal conviction. Awards can be considered if the citizen's participation warrants an award based on EPA's criteria.

We stress that awards are not guaranteed, even when a case is concluded. However, EPA strongly encourages citizens to tell EPA about violations they have seen, as this may lead to an enforcement action that protects the environment for all.

2. Isn't this really an EPA "bounty-hunter" program?

EPA does not operate a "bounty-hunter" program. EPA has begun a Citizen Awards program. As explained in a May 3, 1994 Federal Register Notice Proposed Rule [Regulations Governing Awards Under Section 113(f) of the Clean Air Act, Vol. 59, No. 84, pg. 22776], under this program, EPA will pay monetary awards of up to \$10,000 to citizens who provide information or services leading to a criminal conviction or a civil penalty for violations of the Clean Air Act. Awards are intended to recognize citizens who help the public protect the environment, and to encourage violators to comply with clean air laws. Offers of awards are not made before information or services are provided. Awards are only made at the conclusion of a case, at EPA's discretion. Thus, the awards program is not a "bounty hunter" program because no bounty is offered to bring violators to justice.

3. When did EPA begin the Citizen Awards Program?

On February 7, 1997, Assistant Administrator Steven A. Herman authorized payment of awards ranging from \$300 to \$10,000 to 20 citizens who provided information or services leading to the conclusion of cases involving violations of the CFC and asbestos regulations. EPA will evaluate this experience before making additional awards or completing any regulations governing this program. Such regulations will further explain how EPA intends to carry out the program, add additional criteria for eligibility to receive an award, respond to public comments on the May 1994 proposed rule, and make provisions concerning other implementation matters.

4. Were any of the 20 citizens involved in a compliance self-audit?

No. EPA evaluated each awardee's participation in the action and determined that none were involved in a compliance self-audit, neither as an employee of the company nor as a compliance audit contractor to the company. EPA will not give awards to people who are involved in compliance self-audits that prematurely disclose compliance information before the company has been apprised and a reasonable time elapses for the company to disclose and correct the violations.

5. Why has EPA taken more than 2 years to implement the awards program?

EPA has been cautious to ensure that the awards program is conducted responsibly and in a manner consistent with EPA's policy to promote company self-audits. EPA has also taken numerous steps to ensure we have an equitable process for determining award amounts, and to ensure that we have a sound process for maintaining confidentiality for citizens who are concerned about releasing their identity in the context of the enforcement action. EPA also determined that by "road testing" the program before issuing a final rule, any unanticipated problems can be addressed before the program is fully underway.

6. How does EPA decide if I get an award?

There are no guarantees that awards will be paid under the Citizen Awards program. Awards are paid at EPA's discretion, and after consideration of a number of factors such as the nature of the case, the severity of the violations, how much information or assistance the citizen provided, the degree of personal risk the citizen takes in providing the information, and other factors. Not every tip from citizens leads to the conclusion of a case, and not every case leads to the granting of an award, let alone the full \$10,000 amount authorized by the Clean Air Act.

The amount EPA can grant for awards is also limited to the amount available to EPA through its annual Congressional appropriations. Penalties collected from enforcement actions do not go to EPA, they go to the treasury. Thus, EPA may have only limited funds available to pay awards, even though it may have collected considerable sums from enforcement actions. It should also be remembered that the award amounts will range up to \$10,000. Not all cases are likely to meet the criteria for a full \$10,000 award.

7. How do I apply for an award?

Make sure you indicate to EPA in writing that you are interested in being considered for an award at the time you provide the information, or at any time during the case development process. You may indicate your interest in an award after a case is concluded, but you are urged to do so soon. If your initial contact with EPA is through a hotline, you may be referred to an EPA enforcement employee.

Be sure to tell the enforcement employee of your interest in receiving an award, even if you have indicated your interest to the person taking the initial information through the hotline.

8. When does EPA pay awards?

An enforcement case may take several years from the time EPA is first aware of a violation to the time the case is concluded. The amount of time depends on the difficulty of the case, the degree of cooperation of the violator, whether the case goes to hearing, and other factors. Once a case is concluded and the decision has been made to pay an award, the time required to make an award payment depends on the availability of awards funds at the time the case is concluded.

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